

### **Remarks**

Claims 1, 7 and 14 were previously amended. Claims 1, 12, and 14 are presently amended. Claims 1-20 are pending in this application. The Examiner has rejected claims 1-20 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent Publication No. 2002/0129146 to Aronoff, et al. (hereinafter “Aronoff”). Applicants respectfully traverse the Examiner’s rejections.

#### **A. Remarks Regarding Rejection of Claims 1-20 Under 35 U.S.C. § 102(b)**

The Examiner has rejected independent claims 1-20 as being anticipated by Aronoff. Applicants respectfully submit that the cited reference does not anticipate the claims. Aronoff standing alone does not contain each and every element of the claimed invention and, as such, the reference cannot anticipate the amended claims. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)); *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (“The identical invention must be shown in as complete detail as is contained in the . . . claim.”).

In particular, Aronoff fails to disclose that the transaction queue is copied from the first server of the two more servers to a shared storage device as required by the independent claims. Examiner cites to Aronoff as disclosing this limitation. See, e.g., Office Action at 4. However, Aronoff discusses assembling data packets into operational statements of transaction. Aronoff at [0032]. These operational statements are executed against the data files. *Id.* The primary DMBS returns the data requested by the operational statements to a manager which in turn forwards this data to other destinations. *Id.* The destinations discussed by Aronoff include a

secondary connection manager and a client *as opposed* to a shared storage device as required by the independent claims. Also, in Aronoff the transaction queue is not being stored. Rather, the *results* of the executed transactions are stored not the transaction queue itself. Thus, Aronoff does not disclose this limitation.

As Aronoff fails to teach or disclose each and every element of independent claims 1, 7, and 14, Aronoff does not anticipate these claims. Applicants respectfully submit that these independent claims are allowable. Additionally, Applicants submit that dependent claims 2-6, 8-13, and 15-20 are allowable, as they depend from otherwise allowable base claims.

**B. Remarks Regarding Rejection of Dependent Claims 2-6, 8-13 and 15-20 Under 35 U.S.C. § 103**

The rejection of dependent claims 2-6, 8-13 and 15-20 will not be discussed individually herein, as each of these claims depends, either directly or indirectly, from an otherwise allowable base claim.

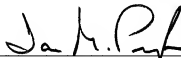
**C. No Waiver**

All of Applicants' arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the cited references. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by examiner, Applicants do not acquiesce to examiner's additional statements, such as, for example, any statements relating to what would be obvious to a person of ordinary skill in the art. The example distinctions discussed by Applicants are sufficient to overcome the anticipation rejections. The current amendments to the claims are sufficient to overcome the novelty and obviousness rejections.

**Conclusion**

Applicants respectfully submit that the pending claims 1-20 of the present invention, as amended, are allowable. Applicants respectfully request that the rejection of the pending claims be withdrawn and that these claims be passed to issuance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tammy M. Pennington', is written over a horizontal line.

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